IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3116 OF 2000
IN
FIRST APPEAL NO.373 OF 2007

The New India Assurance Co.Ltd. ...Applicant

vs.

Phulabai Madan Dhumal & Ors. ...Respondents

Ms Ashar Gor i/b Mr.M.G.Barve for the Applicant

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 27, 2007.

P.C.:

1. Heard Advocate for the Applicant. None appears for the first Respondent. By ad-interim order passed by this court on 23rd January 2007, the first Respondent was permitted to withdraw a sum of Rs.25,000/-. The report received from the Commissioner shows that some more amount deposited by the Applicant is still pending with the Commissioner. The original claimants will have to be permitted to withdraw 50% of the said amount on furnishing security and balance 50% of the amount will have to be invested.

2. Hence, Civil Application is disposed of by passing the following order :

i) The first Respondent is permitted to withdraw a sum of Rs.25,000/- without security if the said amount is not already withdrawn in accordance with the ad-interim order dated 23rd

January 2007.

ii) Out of the balance amount pending with the Commissioner, 50% of the amount shall be permitted to be withdrawn by the claimants subject to furnishing adequate security for the said amount.

iii) Remaining 50% of the amount shall be invested in fixed deposit in any nationalised bank and the fixed deposit shall be renewed from time to time till the final disposal of the Appeal.

iv) In case the 50% of the amount which is permitted to be withdrawn by the claimants is not withdrawn by the claimants within a period of four months from today, the said amount shall also be invested in fixed deposit as stated above.

v) No order as to costs.

JUDGE